

**U.S. Department of the Interior
Bureau of Land Management**

**Decision Record - Memorandum
Fifteen Mile Wildlife Water Modification Projects
April 2016**

PREPARING OFFICE

U.S. Department of the Interior
Bureau of Land Management
Worland Field Office



Decision Record - Memorandum

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Chapter 1. Decision Record - Memorandum

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DOI-BLM-WY-R010-2016-0003-EA

1.1. DECISION

It is my decision to approve the maintenance and modifications of the Whistleberry, Squaw Teats, and Paradise wildlife guzzler projects as described in the Proposed Action of Environmental Assessment No. DOI-BLM-WY-R010-2016-0003-EA. New guzzler apron installation would encompass a disturbance area of approximately 75' by 150' for the Paradise and Squaw Teats Guzzler projects, and approximately 75' by 250' for the Whistleberry Guzzler apron replacement. This surface disturbance would involve using a backhoe to prepare the apron sites and install the guzzler tanks at ground level. The project site would be marked, identifying the project as a wildlife watering source. Maintenance and installation is anticipated to occur during the summer or early fall of 2016, and should take approximately 3 to 5 days.

The Proposed Action was chosen as being the most environmentally sound alternative. This action has been analyzed in the referenced EA and found to have no significant impacts, thus an EIS is not required.

1.1.1. Authorities:

- NEPA (42 U.S.C. §§ 4321- – 4347), as amended
- MLA of 1920, as amended
- Federal Land Policy and Management Act (FLPMA) of 1976

1.1.2. Mitigation and Monitoring:

All surface disturbance around aprons and tanks will be recontoured and reseeded. Recontouring will be done as part of the construction/installation contract once construction is complete. Seeding will be done by BLM personnel in the fall with the below seed mix, and seed will be broadcast and the area raked or chained to cover seed. Fall seeding will be completed after September 1, and prior to ground frost, and Wyoming big sagebrush will be broadcast separately, over snow. Seeding shall be repeated if a satisfactory stand is not obtained. Monitoring for seeding success and invasives will be performed by BLM personnel at least twice annually when project sites are monitored for wildlife use.

Seed Mix for 10-14" Loamy Ecological Site:

2.0 lbs/acre PLS Indian rice grass (*Achnatherum hymenoides*)

5 lbs/acre PLS Western Wheatgrass (*Pascopyrum smithii*)

4 lbs/acre PLS Needle and Thread (*Stipa comata*)

18 lbs/acre PLS..... Bluebunch Wheatgrass (*Pseudoroegneria spicata* ssp. *spicata*)

0.50 lbs/acre PLS Wyoming big sage (*Artemisia tridentata wyomingensis*)**

0.4 lbs/acre PLS Scarlet globemallow (*Sphaeralcea coccinea*)

1.1.3. Terms / Conditions / Stipulations:

Cultural Standard Stipulation

- The holder is responsible for informing all persons in the area who are associated with this project that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are uncovered during construction, the holder is to immediately stop work that might further disturb such materials, and contact the Authorized Officer (AO). Within five working days the AO will inform the holder as to:
 - Whether the material appears eligible for the National Register of Historic Places;
 - The mitigation measures the holder will likely have to undertake before the site can be used (assuming in situ preservation is not necessary); and,
 - A timeframe for the AO to complete an expedited review under 36 CFR 800.11 to confirm, through the State Historic Preservation Officer, that the findings of the AO are correct and that mitigation is appropriate. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the holder will then be allowed to resume construction measures.

1.2. PLAN CONFORMANCE AND CONSISTENCY

This plan has been reviewed to determine if the proposed action conforms to the land use plan as required by 43 CFR 1610.5. The proposed action conforms to the Record of Decision and Approved Resource Management Plan for the Worland Field Office, dated September 21, 2015. The decisions in the Worland Resource Management Plan (WRMP) provide general management direction and allocation of uses and resources on the public lands in the area.

Wildlife Resources

4069 --In cooperation with WGFD and other stakeholders, work to develop water sources for wildlife and special status species in coordination with the WGFD and the BLM Water Development Handbook (H-1741-2).

4076 -- Allow water development projects in crucial elk winter range and in greater Greater Sage-Grouse nesting habitat with 10 inches or less annual precipitation only when adverse effects can be avoided, minimized and/or compensated based on site-specific analysis. Allow existing uses pending site-specific analysis on a priority basis.

4077 -- Apply wildlife seasonal protections for surface-disturbing and disruptive activities to non-routine maintenance and operation of projects when the actions are determined to be detrimental to wildlife through site-specific NEPA analysis.

Special Status Species

4107 -- Inside PHMAs

Prohibit surface-disturbing and/or disruptive activities from March 15 to June 30 to protect Greater Sage-Grouse breeding, nesting, and early brood-rearing habitat (1,021,583 acres). Apply

this timing limitation throughout the PHMAs. Activities in unsuitable habitats would be evaluated under the exception and modification criteria and could be allowed on a case-by-case basis.

4109 -- Density of Disturbances:

In PHMAs, the density of disturbance of energy or mining facilities would be limited to an average of one site per square mile (640 acres) within the DDCT, subject to valid existing rights (Appendix D, Greater Sage-Grouse Habitat Management Strategy (p. 271)). The one location and cumulative value of existing disturbances would not exceed 5 percent of habitat of the DDCT area. Inside PHMA, all suitable habitat disturbed (any program area) will not exceed 5 percent within the DDCT area using the DDCT process.

4112 -- In PHMAs, implement mitigation and minimization guidelines and required design features, including specific measures for Greater Sage-Grouse (refer to Appendix C, Required Design Features and Best Management Practices (p. 249)) as applicable and consistent with EO 2015-4 (Wyoming Office of the Governor 2015). Incorporate Greater Sage-Grouse specific measures into project proposals as required design features or mitigation for any authorized federal action, regardless of surface ownership.

Soils

1014 – Analyze all surface-disturbing activities for suitability and impacts.

1020 -- Reclamation plans, stipulations, and/or mitigation and monitoring measures are required prior to approval of all authorized surface-disturbing activities.

Develop specific objectives and timeframes for reclamation plans in coordination with stakeholders.

1.3. ALTERNATIVES CONSIDERED

The Environmental Assessment (EA) for the Project considered two alternatives.

The “No Action Alternative” implies that no maintenance or modifications of the Paradise, Squaw Teats, or Whistleberry Guzzlers would be performed, and these wildlife water sources would continue to be unreliable and consistent wildlife watering sources, particularly in late summer and early fall.

The “Proposed Action” alternative would provide more consistent and reliable wildlife water sources by augmenting the water catchment, storage and availability at the existing Paradise, Squaw Teats, and Whistleberry Guzzler project sites in the upper Fifteen mile watershed , approximately 30 miles West of Worland Wyoming.

RATIONALE FOR DECISION

The Proposed Action was chosen as being an environmentally sound alternative, and is in conformance with the WRMP. Approval of the alternative, as stated above, will allow more consistent and reliable wildlife water sources by augmenting the water catchment, storage and availability at the existing Paradise, Squaw Teats, and Whistleberry Guzzler project sites in the upper Fifteen mile watershed. And will help address wildlife water availability issues identified in the EA.

1.4. PROTEST AND APPEAL OPPORTUNITIES

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (BLM Worland Field Office, 101 S. 23rd St., Worland, WY 82401) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below.

Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR § 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1)the relative harm to the parties if the stay is granted or denied;
- (2)the likelihood of the appellant's success on the merits;
- (3)the likelihood of immediate and irreparable harm if the stay is not granted; and
- (4)whether the public interest favors granting the stay.

/s/ Michael J. Phillips	April 1, 2016
Worland Field Office Manager	Date